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Attorneys for Plaintiffs Martin Trott and Christopher Smith, as Joint Official Liquidators and Foreign Representatives of Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation), and for Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARTIN TROTT and CHRISTOPHER SMITH,
as Joint Official Liquidators and Foreign
Representatives of PLATINUM PARTNERS
VALUE ARBITRAGE FUND L.P. (in Official
Liquidation), *et ano.*,

Plaintiffs,

- against -

PLATINUM MANAGEMENT (NY) LLC, *et al.*,

Defendants.

Civil Action No. 1:18-cv-10936-JSR

**NOTICE OF MOTION TO
DISQUALIFY CURTIS, MALLET-
PREVOST, COLT & MOSLE LLP**

**NOTICE OF MOTION TO DISQUALIFY
CURTIS, MALLET-PREVOST, COLT & MOSLE LLP**

PLEASE TAKE NOTICE that, in accordance with N.Y. Rules of Prof. Conduct 1.6, 1.9, 1.13, and 3.7, Martin Trott and Christopher Smith, as Joint Official Liquidators and Foreign Representatives of Platinum Partners Value Arbitrage Fund, L.P. (in Official Liquidation) (“JOLs”) and Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation) (“PPVA”)

and, collectively with the JOLs, the “**Plaintiffs**”), hereby respectfully move this Court, before the Honorable Jed S. Rakoff, United States District Judge, Southern District of New York, at the United States Courthouse, 500 Pearl Street, New York, NY 10007, seeking an Order disqualifying the law firm of Curtis, Mallet-Prevost, Colt & Mosle LLP (“**Curtis Mallet**”) from representing Defendant David Bodner (“**Bodner**”) in this litigation. Specifically, Plaintiffs base the relief sought in the Motion on the following grounds:

1. In this action, Curtis Mallet is attempt to represent Bodner (their purported current client) against PPVA, its former client. Any representation of Bodner by Curtis Mallet in this action would violate duties of both confidentiality and loyalty that Curtis Mallet has to PPVA, and such a representation would cause a significant risk of trial taint.

2. Due to the nature of the claims underlying the Complaint, and Curtis Mallet’s involvement in those transactions, it is virtually certain that Curtis Mallet and its attorneys – especially the three that have filed appearances in this litigation – will be core witnesses to this proceeding and will be discovery targets. This too serves as an independent reason why Curtis Mallet must be disqualified from representing David Bodner in this litigation.

PLEASE TAKE FURTHER NOTICE that, in support of their Motion, Plaintiffs will also rely upon their accompanying Motion and Memorandum of Law, each dated December 26, 2018, and upon the Declaration of Martin Trott, dated December 26, 2018, with all such documents submitted concomitantly with the Motion.

**Dated: December 26, 2018
New York, New York**

Respectfully submitted,

Martin Trott and Christopher Smith, as Joint
Official Liquidators, and Platinum Partners Value
Arbitrage Fund L.P.,

By:/s/ Warren E. Gluck

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L.P. (in Official Liquidation)*